CLASSIFICATION MANAGEMENT 101

HOW TO MAKE CLASSIFICATION DECISIONS

CLASSIFICATION Principles & Policies

Applies to information

Defined as "any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the United States Government."

- Shorthand: Official information

EXECUTIVE ORDER 12958 - PRINCIPL

- Consideration is limited to:

  Information which might damage the national security

  National security = “The national defense or foreign relations of
  the United States”

➢Criteria for consideration:

  Whether information "requires, in the interest of national security,
  protection against unauthorized disclosure”

  The protection is to prevent damage

EXECUTIVE ORDER 12958 - PRINCIPLE

- Sets specific limitations on maximum duration of classification
- With exceptions when needed
- Information declassified when national security is no longer served

EXECUTIVE ORDER 12958 - PRINCIPLE

- The informal "balancing test“

Pro: Prevention of the identified damage

Con:

»Resource costs of protection
»Operational impact -- delay, restriction of use, operational costs of protection
»Public relations costs
»Foreign trade implications
»Effect on progress of scientific research
»Psychological costs for security program effectiveness

ORIGINAL CLASSIFICATION PROCESS

• The original classification decision process consists of six steps:

1 - Determine that the information is owned by, produced by or for, or is under the control of the U.S. Government

2 - Determine classification eligibility

3 - Decide if unauthorized disclosure would cause damage to national security

4 - Decide the degree of damage and assign a level of classification

5 - Set the duration of classification

STEP 1

U.S. INFORMATION

- Determine that the information is
  - owned by, produced by or for, or
  - is under the control of the U.S.
  - Government

STEP 1 (continued)

U.S. INFORMATION

- If is not U.S. Owned, the information cannot be classified

STOP THE PROCESS

STEP 1 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

- If it is U.S. Owned, proceed to Step 2

STEP 2

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

- Determine the eligibility for classification

STEP 2 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

- To be eligible, the information must fall within one or more of the categories listed in section 1.4 of Executive Order 12958.

See table on next page

STEP 2 (continued)

1.4(a) Military plans, weapon systems, or operations

1.4(b) Foreign government information

1.4(c) Intelligence activities (including special activities), intelligence sources or methods, or cry

1.4(d) Foreign relations or foreign activities of the United States, including confidential sources

1.4(e) Scientific, technological, or economic matters relating to national security, which includes transnational terrorism

1.4(f) United States Government programs for safeguarding nuclear material or facilities

1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects or plans o services relating to the national security, which includes defense against transnational te

1.4(h) Weapons of mass destruction

Section 1.4 of Executive Order 12958

STEP 2 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

- If the information does not fall into one of the seven categories of Section 1.4, the information cannot be classified

STOP THE PROCESS

STEP 2 (continued)

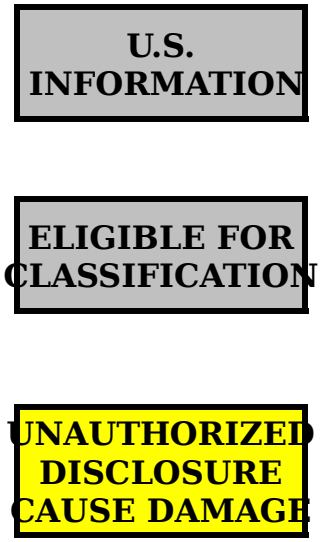
U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

- If the information does fall into one of the seven categories of Section 1.4, proceed to Step 3

STEP 3



- Decide if unauthorized disclosure would cause damage to national security, and that the damage can be identified and described.
  This decision requires reasoned judgment on the part of the classifier. This is a Yes/No decision

STEP 3 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

- If the answer is NO, the information cannot be classified

STOP THE PROCESS

NOTE: If there is significant doubt about the need to classify information, it will not be classified.

STEP 3 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

DETERMINE LEVEL OF CLASSIFICATION

- If the answer is YES, the Original Classification Authority **(YOU)** must be able to identify or describe the damage.

Proceed to Step 4

NOTE: It is not necessary to produce a written description of the damage at the time of classification, but the classifier must be prepared to do so if the information becomes the subject of a classification challenge, request for mandatory

STEP 4

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

DETERMINE LEVEL OF CLASSIFICATION

- Now that you have determined that unauthorized disclosure would cause damage to national security, you must now decide the degree of damage and assign a level of classification.

STEP 4 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

DETERMINE LEVEL OF CLASSIFICATION

- The Original Classifying Authority, again using reasoned judgment, must must determine the degree of damage and level of classification to be applied.
- If there is significant doubt about the appropriate level of classification, the information

STEP 4 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

DETERMINE LEVEL OF CLASSIFICATION

- One of the following three levels of classification must now be applied
  - *CONFIDENTIAL* – Unauthorized disclosure could cause **DAMAGE** to national security
  - *SECRET* - Unauthorized disclosure could cause **SERIOUS DAMAGE** to national security
  - *TOP SECRET* - Unauthorized disclosure could cause **EXCEPTIONALLY GRAVE DAMAGE** to national security

STEP 5 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

DETERMINE LEVEL OF CLASSIFICATION

DETERMINE DURATION OF CLASSIFICATION

(1) A date or event less than 10 years, or if unable to identify such a date or event; or

(2) A date 10 years from the date of the document; or

(3) A date greater than 10 and less than 25 years from the date of the document; or

(4) A date 25 years from the date of the document.

STEP 5 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

DETERMINE LEVEL OF CLASSIFICATION

DETERMINE DURATION OF CLASSIFICATION

- If the original classifier has substantial reason to believe that the information will require protection longer than 25 years, the he/she may use one of the approved exemptions (to be determined by ISOO). To qualify for exemption the following must apply:

STEP 5 (continued)

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

DETERMINE LEVEL OF CLASSIFICATION

DETERMINE DURATION OF CLASSIFICATION

–The unauthorized disclosure could reasonably be expected to cause damage to national security for a period in excess of 25 years and the information must fall under one of the 8 exemption categories list in Section 1.6 of Executive Order 12958

1 – Reveal an intelligence source, method, or activity, or a cryptologic system or activity

2 – Reveal information that would assist in the development or use of weapons of mass destruction

3 – Reveal information that would impair the development or use of technology within a United States weapon system

4 – Reveal United States military plans, or national security emergency preparedness plans

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STEP 5 (continued)

- U.S. INFORMATION
- ELIGIBLE FOR CLASSIFICATION
- UNAUTHORIZED DISCLOSURE CAUSE DAMAGE
- DETERMINE LEVEL OF CLASSIFICATION
- DETERMINE DURATION OF CLASSIFICATION

5 – Reveal foreign government information

6 – Damage relations between the United States and a foreign government, reveal a confidential source, or seriously undermine diplomatic activities that are reasonably expected to be ongoing for a period greater than ten years

7 – Impair the ability of responsible United States Government Officials to protect the President, the Vice President, and other individuals for whom protection services, in the interest of national security, are authorized.

8 – Violate a statute, treaty, or international agreement

STEP 6

U.S. INFORMATION

ELIGIBLE FOR CLASSIFICATION

UNAUTHORIZED DISCLOSURE CAUSE DAMAGE

DETERMINE LEVEL OF CLASSIFICATION

DETERMINE DURATION OF CLASSIFICATION

COMMUNICATE THE DECISION

- Communicate the decision. This
  is simply a matter of ensuring
  that persons who will be in possession of the information are
  a aware of the proper classification and handling instructions. This can be accomplished through the following:
  - –Classification Guidance
  - –Proper marking of documents
  - –DoD Contract Security

FINAL NOTES

- Ensure that the information being considered for classification has not already been classified by someone else. This can be verified through classification Guides, or consulting with subject matter experts and other organizations with proprietary interest.

- Is protection of the information possible? Consider whether the information is so widely available that access to it could not be denied to intelligence collectors.

- Security cost $$. When determining that damage to

FINAL NOTES (Continued)

- The higher the classification, the higher the cost. Take this into consideration as well when assigning a level of classification, is the cost of a higher classification in the best interest of the United States.

- NEVER classify information in the attempt to hide an illegal activity, prevent embarrassment, or cover up any wrong doing

QUESTIONS